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LETTERS OF ALBANICUS

TO THE

PEOPLE OF ENGLAND,

ON THE

PARTIALITY AND INJUSTICE

OF THE

CHARGES

BROUGHT AGAINST

WARREN HASTINGS, Esq.

LATE GOVERNOR GENERAL OF BENGAL.

THE SECOND EDITION.

"As far as they carry conviction to any man's understanding, my "labours may be of use: Beyond the evidence it carries with it, I "advise him not to follow any man's interpretation."

LOCKE.

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MDCCLXXXVI.

ADVERTISEMENT.

THE manner in which an attack has been made on Mr. Haſtings is ſuch, that the world can ſcarcely ever enter into the merits of the cauſe. The Politicks, the manners, and even the geography of India are known but to few. The *charges* are numerous and complicated, and the *anſwers* to the charges are, of neceſſity, as numerous and more complicated. It would require a conſiderable time, and a very cloſe attention to the ſubject, to underſtand it ſufficiently

well to diſcover the falſe reaſoning and the falſe concluſions in the accuſations, or the weight of the facts that are offered in vindication, by the accuſed.

As this is the caſe, it is well known that few people ever will be at the trouble to enter fairly into the merits of the cauſe, and though they may be deſirous of doing it, their ardour will ſtop ſhort of that attentive conſideration which is neceſſary to conviction. Mr. Haſtings muſt certainly ſuffer in the minds of all who read the firſt part, but do not go through the whole; nor does there ſeem to be any way of preventing this but by viewing the affair in a leſs complicated light, ſo that the minds of men may be ſatisfied of the injuſtice with which he has been treated, without that tedious attention to long

arguments,

arguments, and without a previous knowledge of the affairs of India.

The attack made by Mr. Burke, and the defence with which it has been followed, are addreſſed to a Court of Juſtice, at leiſure appointed to enter into the particulars; but an addreſs to the commmon ſenſe of mankind is the only thing that can convince men in general, that Mr. Haſtings is an injured man; and with this intention the following Letters to the People of England are confined to the queſtion, merely ſo far as common ſenſe and common juſtice are concerned. A conſiderable portion of mankind will be of opinion that they were written by an agent, or at the deſire of the perſon whoſe character they are meant to defend. The Writer of the Letters never had even the moſt diſtant connection with Mr. Haſtings,

tings, and writes only his own ideas for the ſake of juſtice; as, however, he knows that the world will never be convinced of this, he begs leave to turn their attention to a parallel caſe.

In this country we conſider it as being one of the moſt valuable privileges which we enjoy, that we are judged by our Peers, and are allowed to employ (to hire for money) advocates who may plead our cauſe. When the moſt deteſtable criminal is brought forth to be tried, he is allowed an impartial Jury, and he is permitted to employ men of the firſt abilities to plead in his defence. Theſe men are paid, yet we glory in this mode of getting juſtice, and we liſten with attention and candour to the *hired* protector of the robber or the aſſaſſin; nor does the man who thus grants his protection to the guilty, who

who employs his learning and abilities to extenuate the crime, incur thereby diſgrace.

Speaking is the mode by which a Jury and a Court may be moſt advantageouſly addreſſed. Writing is the one by which alone we can appeal to a nation; and of the two modes, this laſt is the leaſt liable to exception; here there is none of the falſe glare of eloquence, or the ſympathetick effect that is produced by an addreſs to a crouded Court, which diſarm juſtice and blunt the edge of reaſon. Yet, my countrymen, ſuch is the effect of cuſtom and of prejudice, that this mode, which is the leaſt capable of deceiving you into a wrong concluſion, is deemed the leaſt honourable.

In the ſmall State of Athens, the whole body of the people was appealed to, and in Rome, though the miſtreſs of the world, the Roman citizens when aſſembled in the Forum, liſtened to their orators, and ſometimes to their Emperors in the cauſe of an individual*. And ſome of their orations on the ſide of the accuſed, are deſervedly ranked among the moſt finiſhed of human productions.

Whence does it then ariſe, that a defence in writing is *objected* to, as being ſuppoſed the work of a friend? Is it becauſe he is concealed, and appears not in

* A common foot ſoldier, who had fought for Auguſtus Cæſar, was to be tried for a crime, and he applied to Auguſtus, then Emperor, to defend him, which upon his declining, the ſoldier exclaimed, "That is not fair, it was not thus that I fought your battles.

his

his own perſon? Surely that cannot be; for that very circumſtance makes his appeal the more fair and juſt, for when men want to be fair and impartial, they chuſe not to be made acquainted with the name or the merits of thoſe who apply. If there is then any way by which men may be addreſſed with impartiality, where neither eloquence nor ſympathy, nor reſpect to the perſon by whom they are addreſſed can operate, it is from the preſs, in an anonymous publication.

LETTER

TO THE

PEOPLE OF ENGLAND.

LETTER I.

THAT a love of juſtice, and a deſire of inveſtigating the merits of every public cauſe, are prevalent in this country, no perſon can for a moment doubt; of this the zeal with which all ranks of men attach themſelves, either to the one or the other ſide, is an unequivocal proof. Whatever, or whoever, comes before the

Public to be judged, finds always an *intelligent*, and frequently an *impartial* jury. There are, however, a ſet of men, who with leſs candour take upon themſelves the office of Judges in theſe caſes, and preſume, through the medium of the preſs, to inſtruct the Public, and to bias its opinion. Thoſe who range themſelves on the ſide of the defendant, have the more pleaſing, though leſs eaſy taſk.—Abuſe is a weapon that it is not difficult to weild, and the uſe of which is well known to the moſt unprincipled portion of mankind; there does not exiſt, in the mind of man, a more deſtructive talent than that of invidious and looſe inſinuation; nor is there any one that is upon all occaſions ſo ready to aſſaſſinate public characters; on the contrary, there is always a degree of difficulty n defending a cauſe, however good, againſt thoſe attacks

tacks which meet with ſupport from envy or malevolence.

In a public cauſe, when one individual is to be the chief ſufferer, every man muſt feel a wiſh to ſee juſtice done; the good of the Public, and the claims of an individual, both join in demanding our attention.

At this inſtant, my fellow countrymen, ſuch a cauſe is before you; one in which the public good, and the happineſs of an individual are blended into one. To that it is that I preſume now to call your attention; conſcious, that, while I am governed by truth, juſtice, and candour, you will not refuſe my requeſt.

Several years ago, our ears were accuſtomed to hear of the ſplendid tranſ-

actions of Governor Haſtings in our ſettlements in India, and even the ſpeeches from the Throne have condeſcended ſometimes to adminiſter to us a degree of comfort from *his ſucceſs in Aſia*, which we could not derive from our own in Europe and America. I only recal to your remembrance a thing, of which you were yourſelves the witneſſes, and I requeſt you to recollect the *popular applauſe* and the *private opinion*, at the time when the career was yet going on. As the brilliancy of actions is dimmed by time, and tarniſhed by the tongue of ſcandal, we view them now in a different light, and our admiration and applauſe have given place to leſs generous emotions.—As we delight in putting chains on the beautiful animal, with whoſe form, whoſe figure and addreſs, we were charmed and amazed, while ſoaring the air, or ranging at large in the boundleſs deſart.

This is not juſtice, but it is a principle, a deſire connected with the human mind, and with the nature of man; and we can find in all ages inſtances where it has ſacrificed the individual who had ſaved his country.

Need I to name the Athenians, who baniſhed the only man, whoſe courage and virtue ſaved them from deſtruction? The Romans, who gave ear to accuſations againſt Scipio Africanus, who had driven their moſt formidable enemy almoſt from their very gates! The Carthagenians who abandoned Hannibal; or our own fore-fathers, who ſaw the illuſtrious Duke of Marlborough baniſhed the Court in diſgrace, after having gained immortal honour to his country! I aſk, if I need to bring to your memory thoſe facts, which throw diſgrace on the human cha-

racter;

racter; or after having laid them before you, is it neceſſary to make a commentary, and to tell ye, that brilliant actions always attract envy, beget enemies, and are often left defenceleſs?

When the undue warmth of Party ſhall have died away, the character of Mr Haſtings, and his tranſactions, will be better known. They will be contraſted with the reception which that veteran received in his own country; and they may perhaps furniſh one more example of the changeable and ungrateful diſpoſition of the multitude.

I do not believe that you would wiſh ſuch an event to diſtinguiſh the year 1786 from thoſe that have gone before; or, what is worſe, to compare your actions with themſelves, and to fix upon your

name

name for ever, the character of *inconſiſtency* or *injuſtice*. When it ſhall be recorded, that the ſame men who paſſed over, without puniſhment, or even enquiry, the actions of Generals and of Admirals, who were believed to have betrayed their country in the Weſt, turned with indignation to the champion who had fought their battles in the Eaſt, and with violence cried out, IMPEACH! IMPEACH! You cannot be deſirous of the character which this would give; and public reputation, as well as private juſtice, require that you ſhould take care not to deſerve it.

As a Member of that community which may acquire honour by its candour, or by the want of it diſgrace, I mean to endeavour, to ſet things in their true light. I mean not to reprobate his accuſers; they may mean well, but be

be miſtaken. I ſhall confine myſelf to repreſenting facts, and ſeparating them from the unfair concluſions with which they have been cloathed; and when I am found to deviate from what is proper, let me be called to order. By addreſſing the Public, I certainly become anſwerable to it for whatever I may ſay; and I ſhall ſubmit patiently to its criticiſm, provided I am favoured with its attention.

Whatever is human, we expect muſt be imperfect; every thing in the moral, as well as in the phyſical world, is a proof of this. There are, nevertheleſs, things that we term good, and others that we term bad; not that they are entirely either the one or the other, but as one or other predominates moſt. From this it follows, that to judge of any thing with juſtice, we muſt examine all the parts,

parts, compare them together, and form an opinion of the whole from that general view.

The actions of a man ought to be viewed in this manner, and not ſeparated into different parts, for the purpoſe of different charges, the good and evil ſhould be brought each into one ſum before they are balanced againſt each other. Honour and Character do not admit of being treated like perſonal property, becauſe they are not, like it, *diviſible*; you cannot *impeach* and honour the *ſame perſon*, the one neceſſarily implies the impoſſibility of the other; though in matters of property, you may charge a man with a ſum that he has loſt, and pay him for what he has gained; and you may repeat the ſame a thouſand times, without bringing out a wrong balance at laſt.

The caſe, as I before affirmed, is totally different in matters of character; there, there is but one thing to gain or to loſe, and it muſt be done *once for all.*— You cannot vote twenty impeachments, or even cenſures, upon a man's conduct, and balance it by twenty, or by twenty millions of laurels. The man who receives the one, is by that rendered incapable of receiving the other, his honour is ſtained, and mankind are not poſſeſſed of any powers by which it can be reſtored.

A man may have many different traits, but he can only have *one* character; the more it partakes of the failings of the human mind, the more virtues will be neceſſary to overbalance them, and the leſs brilliant will the character be; but ſtill it muſt preponderate one way or the other,

other, as it cannot be both *good* and *bad*; there muſt be a ſort of commutation take place, and after that an opinion formed of the whole.

When Cæſar ſaid, *like a ſick girl*, "*Give me ſome drink, Titinius!*" Cæſar might be ſaid to be a chicken-hearted man; but his more memorable ſpeech, when he paſſed the Rubicon, entitles him to another appellation. When Cæſar forgot his ambition and himſelf in the arms of an Egyptian Queen, he acted the enervated and fooliſh lover: but when he ſubdued the Gauls and the Britons; when he ſubdued his country; when he enſlaved the world, he was every thing that was oppoſite to the character which he might have obtained from his conduct with his Royal Miſtreſs. Though Cæſar's life exhibited theſe oppoſite ex-

tremes, yet there is not any man who has in the world's eye a more conſiſtent and unique character; he is as juſtly, as he is univerſally reckoned, the moſt ambitious of mankind, and his love affair only appears like a ſmall ſpot on the diſk of the Sun; yet there have been few men who would have ſhewn themſelves ſo dead to every ſpark of ambition, as to have put the whole world in the balance, and riſqued more than twenty kingdoms for one Queen. It would be in vain to ſay, the world has miſtaken the character of that very great man, and it is unneceſſary to prove that it judges truly; but it is proper to remark, that without balancing his different traits of character againſt each other, it could not have been eſtabliſhed; you would form a group of contradictions that exiſted in the man, but not in his character. Ambitious,

brave,

brave, indefatigable, and generous, were the leading traits by which he diſtinguiſhed himſelf while he lived, and he preſerves them ſtill, though he was in ſome caſes childiſh, impatient, love-ſick, and, it is even ſaid, chicken-hearted: yet to draw his character by theſe oppoſite extremes, would never do; one or other muſt predominate, and the world has agreed for ſeventeen hundred years in one opinion, reſpecting this phenomenon of a man. There are many points, on which it has not agreed ſo well, that are conſidered by a large portion of mankind as indiſputable.

In this view then of the matter, I am utterly at a loſs to conceive the intention of grounding a great number of impeachments againſt one man, as if he had ſo many characters to loſe; which, by debating

bating ſeparately on his charges, they in fact do. What can the world do to Mr. Haſtings, but take away his character, rob him of the glory to which he is entitled by his ſucceſs in India, and ſubſtitute diſgrace? This can be done but once. There is ſomething heavy indeed, in the ſound of ſo great a number of charges of high crimes and miſdemeanors; but that there may be juſtice, they ought all to be debated *in one charge*, and balanced with whatever ſervices he had done his country.—This I will maintain is neceſſary. This, however, has not been the caſe with the accuſers of Mr. Haſtings, they have not choſen to take this mode of proceeding, but inſtead of viewing all his actions in India, good and bad, contraſted, they have ſeparated them with induſtry, and ſelected the moſt unfavourable for the purpoſe of bringing *different* accuſations.

If

If by theſe means he could be impeached, it would not be upon a fair footing, it would be partial and unjuſt. I maintain that it is not the ſeparate parts, but the whole taken together of a man's conduct, that are impeachable, and that if you are to ſeparate the different parts in this manner, there is not a man alive who could eſcape; or if there is, it would be the contemptible character that never elevates itſelf to a ſufficient degree of conſequence, to have the power of deviating ſufficiently far from propriety.

Upon this footing, however, do his accuſers proceed againſt Mr. Haſtings; they have ſeized upon a piece of teſſelated pavement, of which the general effect was good; they have tore up the darker parts, and they have inſiſted that the whole was black, that it was ugly, and that it ought to be deſtroyed.

It may be ſaid, perhaps, in anſwer to this, that I do not underſtand the mode of proceeding in Mr. Haſtings' caſe; that though there are many charges, it will only amount *to one impeachment.* I ſhould be glad to know whether any body can think, that a trial will reſcue or reſtore the honour of a Gentleman, after the Houſe of Commons has debated upon ſeparate accuſations, and determined them to be high crimes and miſdemeanors*. As far as honour goes, that is an *impeachment* to all intents and

* There is at this time a *noble* Admiral, who has been making a journey through other countries, to avoid the diſgrace in his own, that aroſe from a *patched up trial.* The Genuine Court Plaiſter was applied to the wound, but all would not do, even a Coronet, and the *artificial* title of *Honourable*, prefixed to his name, at the time when people had firſt begun to ſuſpect that he wanted the *real title*, were found unequal to the producing a perfect cure. One inſtance is as good as a whole lack.

and purpoſes; and as it is grounded upon a partial examination of his conduct, I ſay it is unfair, cruel, and unjuſt; that the Houſe of Commons is taking away what they cannot reſtore; nay, what all mankind cannot reſtore; for a ſentence of crimination, after the merits are debated fully on both ſides, is a ſtain that nothing can remove; and there is no juſtice in this country, *if in trying the crime they inflict the puniſhment.* It is the torture and the rack, the accuſed is ruined, every bone is broken during the trial; after which, an acquittal or a condemnation are alike indifferent; they are become empty ſounds, ſignifying nothing.

ALBANICUS.

London, 26th July, 1786.

LETTER II.

IN my laſt letter I endeavoured to prove that a number of ſeparate accuſations, grounded upon different actions, and making different charges, are unfair in their principle, when brought againſt a ſervant of the Public; I muſt intreat your indulgence upon this ſame ſubject a little longer, as it is a matter of particular importance.

There is at this time a man, who I believe is univerſally reſpected, at leaſt as much ſo as any man can expect to be among his cotemporaries; a man, who, in the capacity of a Judge, has drawn the admiration

admiration and eſteem of a whole age, and of a whole nation, by the rectitude and juſtice of his decrees, yet there are caſes in which he is known to have acted wrong; nay, there are particular points in which he is believed not to preſerve his uſual juſtice and impartiality, yet would it be highly improper, that he ſhould be accuſed and impeached on that account; the nation would never agree to condemn the man they are accuſtomed to revere, as being one of the moſt juſt, for they know that all men are more or leſs imperfect.

Whenever a ſuperior court reverſes the ſentence that has been pronounced by an inferior one, it is underſtood, that the former ſentence was unjuſt. Take this in its full meaning, and you may certainly, if you follow Mr. Burke's mode,

conclude that if in the caſe of A and B, the court has judged wrong; that the property which belonged in reality to A, has been given to B; that to give one man's property to another is certainly againſt the laws of this country, and that it was therefore a *high crime* and *miſdemeanor*.—This is regular argument; juſt as much ſo as any of Mr. Burke's, but it is not fair for all that. It is not only very unfair, but it is perfectly inconſiſtent with the nature of men, and with the very inſtitution of Judges, and of different Courts—certainly *a high crime and miſdemeanor* in court, incapacitates, or ought to incapacitate a Judge, he ought to be diſgraced, beſides being ſtripped of his office. But what would this do? Few Judges, except in the higheſt Court itſelf, would keep their ſeat a week; they would be turned out with diſgrace, and become vagrants,

vagrants, without character or without employment, being guilty of *high crimes and miſdemeanors.* This would all happen through purity of principles applied by a ſtrict courſe of reaſoning from cauſes to effects, and would bring about a fine effect at laſt; the robes of the Judges would all be converted into beggars cloaks, and juſtice would fill the ſtreets with its mendicant adminiſtrators. Is it worth while to examine into the fallacy of a concluſion that is ſo *fairly* brought about, but that ends in ſuch ridicule? Certainly it does not deſerve an inveſtigation from any merit that it poſſeſſes, but as Mr. Haſtings is accuſed by the ſame ſort of logical reaſoning, it may, on that account, be proper to examine it for a moment.

In the firſt place, though the higher Court is in the eye of the law right, and the

the lower one muſt have been wrong; yet, in reality, it is uncertain which is right, and which is wrong; they are only *two imperfect* things ſet to check each other.

In the ſecond place, if the lower Court were proved to be wrong, yet, there is no certainty that it was ſo wilfully; it is to be ſuppoſed not, as the inſtitution of a ſuperior Court implied the previous belief that the inferior one was not always to be right, ſo that at the worſt it was but incapacity in the lower Court. And, in the third place, the incapacity or miſtake in one inſtance, is no proof that the Court is not capable, in general, to judge properly enough, therefore it turns out at laſt to be nothing more than one of thoſe imperfections of which every uman inſtitution partakes more or leſs, and

and it was not only a thing to be expected, but was certain to take place ſometime or other: So that we ſhall again ſee the Judges ſitting upon the Bench and doing buſineſs as well as they are able, though they are ſometimes wrong.

I think from this we are not always to affix a puniſhment to whatever is wrong, and that accuſations that are partial ought to be liſtened to with great caution leaſt they be unjuſt.

I am ſure that arguments or intreaties are unneceſſary to induce you to give attention to the cauſe of the injured; never are you blind to juſtice, nor deaf to mercy.

I certainly intend to prove, that the caſe of Mr. Haſtings is in every reſpect equally

equally hard with that of the Judges whom we ſaw juſt now turned into the ſtreets becauſe they were *men*, which is another word for being *imperfect*.

It may be alledged that Mr. Haſtings is accuſed, article by article, at his own deſire, and that he refuſed to ſhrink from an inveſtigation, or to let his merits compenſate for his faults, that therefore he not only gets juſtice, but the very juſtice that he demands, and in his own way too.

He certainly gets it as much, but not a grain more than that man indulges himſelf, who jumps out of a ſhip that is burning, into the ſea, but who cannot after all be ſaid to have had exactly what he wanted, though it was the deſperate alternative which he choſe.

The

The caſe in which Mr. Haſtings found himſelf involved juſt at the time when he returned to his native country, after a very long ſervice in India, during which he had ſeen many men that were far his inferiors in rank, in importance, and in abilities, return with greater fortunes than himſelf, and what is of ſtill more importance, at a much earlier period of life. I ſay, juſt at the time when he returned inferior in wealth, and worſe in conſtitution than many others, after having been of infinitely more ſervice than any one of them, he found his character called in queſtion openly in the Houſe of Commons, from which accuſations were circulated with additional authority, and received with additional avidity through the whole kingdom.

No circumſtance can raiſe him higher in the opinions of men, than to find that

of ſhrinking from an inveſtigation he ſtood forth boldly in demanding, either that his enemies would ſpecify their charges, or be ſilent; his honour was concerned, and he was reſolved that either one or other ſhould be done. The abuſe which he had ſuſtained was of too flagrant a nature, and too open to be retracted, and the honour of the accuſer demanded that he ſhould prove what he had advanced. Thus did an accuſation begin, and a volume has been written to the aſtoniſhment of the Public, in which Mr. Haſtings was accuſed of more high crimes and miſdemeanors than were any way neceſſary; but having once begun, it was as eaſy, and, perhaps, more agreeable to go on than to ſtop, and a very ſhort period ſaw more than twenty heavy charges rear their heads in terrible ſhew.

Mr.

Mr. Haſtings had an alternative, but it was of little conſequence, and he choſe, like a man who confided in the goodneſs of his own cauſe, that each article ſhould be ſeparately examined as they were ſeparately charged. Mr. Haſtings, by wiſhing to meet the charges ſeparately, did the very thing that any innocent and honourable man would have done, yet does it not follow that the charges were properly made. All that could, with any propriety, have been queſtioned reſpecting him was, *whether, when in India, he had acted faithfully as a Governor intruſted with the intereſts of the India Company and of the Engliſh nation.* This would have been proper enough, perhaps it was unneceſſary, but at any rate it would not have been unfair; it would have included his *whole tranſactions*, good and bad, and if in an enquiry conducted upon that equi-

table footing his character had been likely to ſuffer, I ſhould not have appeared, as I now do, a volunteer in his defence; but, as it is, every man who has any idea of juſtice, and who can feel for thoſe who are injured, muſt conſider his caſe as being very unmeritedly hard and oppreſſive, for the mode of trial is of itſelf a puniſhment, as the accuſations convey an idea of crimes of the higheſt order, and it is generally underſtood that an impeachment is like a trial for life and death. I ſpeak of the general ideas of mankind on the ſubject; they conſider an impeachment as being like an accuſation for a capital crime, which, whenever it unluckily happens to an innocent man, is of itſelf a very ſevere puniſhment; but for a great variety of reaſons is it particularly ſevere, and if I may be allowed to ſay ſo, *unfair* in the caſe

caſe of Mr. Haſtings, as ſome of the charges appear marked with an enormity that almoſt chills the blood. The charge of extirpating the nation of the Rohillas, for inſtance, is one of this ſort; here we are led to believe that Mr. Haſtings entered into an agreement to aſſiſt in exterminating all the men, women, and children of a country; by it we underſtand nothing leſs than that every human creature upon the face of the ground was either to be killed, driven away, or carried off. This is as mild a meaning as it will bear, yet it is infinitely different from the real thing. "The "Rohillas were not the people of the "country, but a military tribe, who "conquered it, and quartered themſelves "upon it without following any profeſ- "ſion but that of arms, or mixing in "any relation with the native inhabi-

"tants

" tans* ;" and this barbarous extirpation conſiſted in obliging theſe people, who ruled by force over nine times their own number, to repaſs the Ganges and return to their own country. This in reality and in appearance wears ſo different an aſpect, that it may be declared to be a miſrepreſentation; inſtead of being the very decided, and the very high crime that at firſt it appeared, to a great portion of mankind it may ſeem to be an act of juſtice; to another it may ſeem doubtful in

* Major Hanny's account of the people in queſtion is this, " I have learned from many people that it is only within fifty years that the Rohillas have become maſters of the country on the north of the Ganges; that they were originally Afghans, came into Hindoſtan under a Sirdar, named Daood Cawn, and that they conquered that country from the Hindoos, and that ſince that time they have followed no other profeſſion but that of arms, and the ancient Hindoos have cultivated the country. The Rohillas are Muſſulmen of the ſect of Omer, and the cultivators of the country are Hindoos. I ſuppoſe the proportion to be about nine Hindoos to one Muſſulman."

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what claſs it ought to be placed; by ſome it may be reckoned unfair, but by none will it ever be underſtood as *extirpating* a whole nation. It is, however, peculiarly unlucky that the heavy charge may be read in a few ſeconds, as it is compriſed in a few lines, but the vindication requires longer time, and more attention. This exhibits a ſpecimen of Mr. Burke's mode of *fabricating* charges, and certainly, when examined, gives no very favourable idea of his own candour, but we muſt judge of him with greater liberality than he does of Mr. Haſtings; in ſhort, we muſt make allowance on account of the other parts of his character, and we ſhall find, that his lively and brilliant fancy has led his judgment out of the road; it has painted evils in India that never exiſted, and has, as the continued operation of fancy ever does, taken away the faculty of thinking with impar-

impartiality on the ſubject where it is exerted. Mr. Burke is only viewing the worſt ſide of man's character, and his own is at ſtake in the crimination of Mr. Haſtings, and it is ſingularly unfortunate that his abilities, the brilliancy of his fancy, and his eloquence are ſuch, that whatever comes, either from his tongue or his pen, no matter which, it comes with a double degree of force, and drawn by the hand of an eminent maſter. Every natural and artificial circumſtance is unfavourable to Mr. Haſtings; his accuſation is carried on by a very able party, which has contrived to heap the crimes of a *whole Government* upon his head, and all things conſidered, candour muſt allow, that he muſt have acted very well indeed to be able to anſwer every one of the charges diſtinctly, which he has done, and as he has ſpent his life

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in the ſervice of his country, as he is pre-ſecuted unjuſtly, and perhaps to have what is moſt dear, his reputation, taken away, he has a right to expect, nay, to demand the attention of his countrymen to his vindication.

LETTER III.

WERE it truly to be proved, that Mr. Haſtings has been guilty of the high crimes and miſdemeanors of which he is accuſed, ſtill his accuſers will be to blame in not having proceeded againſt him in a fair and candid manner*: but ſuppoſing he ſhould be found to be in a great degree innocent, how unfair muſt it not then be?

* It is according to the true ſpirit of juſtice and of Engliſh law, that every man muſt be proceeded againſt equally fairly, however henious the crime he is accuſed of may be; and even though men are conſcious, in their own minds, that he is guilty, unleſs it is proved poſitively, it alters not, in any reſpect, the caſe. If a murderer is hanged, without being properly convicted, it is MURDER, and againſt law.

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I intended, in an after part, to ſhew, that many other of the charges brought againſt him are equally miſrepreſentations with that of the extirpation of the Rohillas, that is to ſay, that they are *diametrically oppoſite in point of fact, to what they are in the ſignification and meaning of the words*; but at preſent I intend to prove, that they have been urged in the moſt unfair manner poſſible; and, I muſt confeſs, that here, I think, Mr. Burke has not acted with his uſual candour: he knows human nature too well to have done it through miſtake; he knows that all men are imperfect, and that every error does not ariſe from a criminal motive. In this caſe, his anger ſeems to have ſuſpended his reaſon and his juſtice, as upon another occaſion, his ſurpriſe, for a time, ſuſpended his indignation (ſee Mr. Burke's ſpeech, page 69, 1ſt December, 1783.) Conſider well,

my countrymen, for it concerns you all, whether it is not very unfair to attribute as a fault, every action, which at the end of ten years may be diſcovered not to have been the beſt or the wiſeſt poſſible, and that too when the actor was concerned in affairs of a moſt difficult nature. If we allow this, what impeachments upon impeachments are there not room for in the tranſactions of the laſt ten years in this country. Where is the public character that would not be called in queſtion, or the individual who would not blame himſelf?—How many evils occur through ill concerted, or ill executed ſchemes, even in the common affairs of life, and where the will, where the intention to do well cannot at all be queſtioned. Do not men ruin themſelves and their families, frequently, with the beſt intentions; and are not many men reduced from the

pinnacle

pinnacle of fortune, to the loweſt wretchedneſs, who have their miſtakes to lament, but who cannot accuſe their intentions with the leaſt ſhare in their misfortunes? We not only all have ſeen, but we have all, in a greater or leſſer degree, felt this to be true, and our minds are well acquainted with the diſtinction between a *miſtake*, and an *intended crime*; for, by the former of theſe names have we diſtinguiſhed the errors of the head, and by the latter, the errors of the heart. Thus have they been hitherto diſtinguiſhed; but what does Mr. Burke ſay? Here I muſt pauſe a little; I am going to tell you a thing, which ſcarcely bears the appearance of being true, and I am conſidering whether I dare venture to do it. He calls theſe miſtakes, high crimes and miſdemeanors; yes, my countrymen, you need not be amazed, they

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are all high crimes and misdemeanors!!! What a pity, that Mr. Hastings, who has so able, so comprehensive a head, should have so black a heart; he is, perhaps, the only Governor, that the world ever saw, who *never was m* *ken*; he is the reverse of other men; we have frequently found men who were faultless in their intentions, but never one who was perfect in his understanding: Mr. Hastings is the first man who has shewn us what it is to be perfect in his understanding; and unluckily, he is, also, the first man to whom we have not one good motive of action to assign.

Such, from the nature of Mr. Burke's charges, is the character of Mr. Hastings to be accounted; and we are not to suppose, that the difficulty or impossibility of knowing what it was best to do, had

had any ſhare whatever in the meaſures he purſued. If he made a treaty that was not a good one, it was a crime; if he afterwards, through neceſſity, ſet aſide a bad treaty, it was another*. A poet ſaid, that he remembered when he was a young man every thing was wrong he did not know. Now it ſeems, that wherever Mr. Burke was not acqnainted with the circumſtances that immediately occaſioned any piece of ill luck or misfortune, or even of good look, he attributed it to the baſeneſs of Mr. Haſtings's heart; did any negociation appear ſtrange and

* Mr. Burke ſeems to be ſomething like the man in the ſtory, who turned every thing he touched into a cuſtard, his hat, his coat, his wig, his wife and all became cuſtards. Every thing becomes, under Mr. Burke's hands, a crime of the firſt order and the higheſt rank. This puerile ſtory would not have been alluded to, had not a *certain* Member of a Great Houſe quoted *Little Red Riding Hood*, and brought little tales into faſhion.

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the intention not evident at this diſtance of time and of place, it went down to the ſame account, Mr. Haſtings's heart; and from this black ſource was every motive derived, that either fancy or ingenuity could trace; whether it was the extirpation of a whole nation, or the converſing with men in their own language without an interpreter, it became a crime of the deepeſt die, and all the crimes were equally deep, for they were all as deep as poſſible.

There ſeems ſo great an inconſiſtency in this, and if I may be allowed to ſay ſo, it appears ſo impoſſible that Mr. Burke could be ſo unfair, that to gain ſome belief, I think it neceſſary to explain to you how I imagine it has happened; and were I but here bleſſed with a ſmall ſpark of Mr. Burke's imagination, and his fa-

culty-

culty of tracing hidden cauſes, I ſhould probably ſucceed.

The attention of Mr. Burke has, for ſeveral years, been turned to the tranſactions in India, and the affairs of the Company; his ſpeech, on the 1ſt of December, 1783, in favour of that famous bill, which terminated, for that time, in the ruin of his party, ſhewed how much he had ſtudied the ſubject, and with what an accumulation of horror he viewed the tranſactions there. In that ſpeech, deſervedly famous, both on account of its great merit, and the importance of the ſubject, Mr. Burke was attacking the *nature and conſtitution* of the *India Company*, he was proving that it was innately bad, and had occaſioned a conſtant ſcene of oppreſſion and of injuſtice, and what was more,

that without altering the nature of its rights, it could never be otherwiſe.

Speaking of the Company that day, Mr. Burke ſays, " With regard, therefore, to " the abuſe of the fœderal truſt, I en- " gage myſelf to you to make good theſe " three poſitions: 1ſt. I ſay, that from " Mount Imaus, where it touches us in " the latitude of twenty-nine, to Cape " Comorin in the latitude of eight, there " is not a *ſingle* Prince, State, or Poten- " tate, great or ſmall, in India, with " whom they have come into con- " tact, whom they have not ſold. I " ſay *ſold*, though ſometimes they have " not been able to deliver, according to " bargain. Secondly, I ſay, there is not " a *ſingle treaty* they have not broken. " Thirdly, I ſay, there is not a ſingle " Prince or State, who ever put any

" truſt

" truſt in the Company, who is not
" utterly ruined, and that none are in any
" degree ſecure or flouriſhing, but in the
" exact proportion to their ſettled diſ-
" truſt, and irreconcileable enmity to
" this nation. Theſe aſſertions are uni-
" verſal; I ſay, in the full ſenſe *univer-*
" *ſal*; they regard the external and po-
" litical truſt only; but I ſhall produce
" others, fully equivalent in the internal."
Here Mr. Burke, with all his powers, declares the *India Company* to be in the fault, and of what then does he accuſe Mr. Haſtings?—Why he would impeach Mr. Haſtings for being a ſervant of the Company, but for nothing elſe, *for all the miſchiefs originated with the Company*; and he ſays, " there is nothing
" worſe in the boys we ſend to India than
" in the boys whom we are whipping at
" ſchool, or that we ſee trailing a pike,

" or bending over a deſk at home." Thus doubly does Mr. Burke argue his cauſe; he proves where the evil lays, and where it does not lay, and if what he ſays is true, you might juſt as well remove all the boys from Weſtminſter School to the Bar of the Houſe of Commons and impeach them every one; for it does not require much depth of reaſon to perceive the truth of this, that if the boys in India (are no worſe than thoſe at home) the boys at home muſt be *as bad* as the boys in India, and equally deſerve impeachment.

Mr. Burke, certainly, among others, diſcovered great grievances in India, and attributed them, with propriety, to the conſtitution of the Government there. His humanity, of which he certainly has a conſiderable ſhare, made him feel for the

oppreſſion

oppreſſion and injuſtice into which he was enquiring, and his warmth of imagination ſeems to have led him to a degree of enthuſiaſm, which indeed it would be unfair to condemn. In the courſe of this inveſtigation, after having laid all the faults on the Company, he again divided them among the ſervants of the Company, though in this he acted with great inconſiſtency; and when Mr. Haſtings was ſingled out, becauſe he was Governor, by a very happy knack Mr. Burke loads him with the iniquities of them all. This is a ſpecimen of the facility with which Mr. Burke turns the whole of his force to the part where he means to inflict the wound, while at the ſame time it ſeems to be ſome account for the miſrepreſentations againſt Mr. Haſtings. This ought to be a leſſon to us to receive with caution the charges which he has

produced,

produced, and it is impoſſible to look up to Mr. Burke with the ſame reſpect, when he is the accuſer of a man who, according to his own account, was but one *agent among many, for a Company conſtituted and exiſting upon ſuch principles as did not admit of his being an upright man:* I ſay it is impoſſible to look at Mr. Burke with the ſame reſpect in this caſe, as we did when he was ſtruggling to ſecure the *rice in his pot to every man in India*; and it is a juſt cauſe of aſtoniſhment to perceive that his eagerneſs in the one caſe, is equal to his noble exertion in the other: we muſt with equal aſtoniſhment and regret, perceive the orator, who with almoſt unexampled eloquence, ſupported the cauſe of *millions of the moſt diligent, and not the leaſt intelligent tillers of the earth*, now turning the accuſer of a man, whoſe ambition it is to paſs in quiet the remains of a conſtitu-

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tion and of a life which have been devoted to the ſervice of his country; but when we conſider, that by his main argument, in this latter caſe, he invalidates his former reaſoning that he now attributes devaſtations to the *individual*, which he had before proved were occaſioned by the *Government*, and which were connected with its very nature; aſtoniſhment and regret are changed into a very diſagreeable uncertainty, and we are led to ſuſpect the purity of the motives as well as the juſtice of the arguments.

When Mr. Burke's charges were firſt brought into public view, I muſt declare, that I read ſeveral parts of them, not without horror, though the futility of ſome appeared at firſt ſight; the ſituation in which the different parties, the accuſer and the accuſed appeared, formed a con-

traſt

traſt very unfavourable to the latter; Mr. Burke appeared the avenger of the wrongs of the Indians, from the Prince upon the throne, to the beggar on the dunghill; but when it appeared plainly, from a farther attention to the ſubject, that the faults of a very imperfect Government were for the ſake of vengeance heaped upon the head of one man, it altered the caſe; and when, as it moſt notoriouſly does, appeared, that mutilated facts were produced, and unfair conſtructions invented, I ſay, *invented*, for the facts did not point to the conſtructions, it altered the caſe ſtill more; and when I found, that Mr. Haſtings, who was accuſed of every ſort of almoſt ſavage cruelty, had written in one of theſe very caſes, in the following humane manner, I conceived the whole to be a fabrication, and it appears

from

from every part moſt notoriouſly to be one, the letter is as follows:

Extract of a Letter from the Preſident to Mr. Nathaniel Middleton, 27th May, 1774.

" Colonel Champion complains of the " conduct of the Vizier, in ſuffering, " and even in ordering his troops to ra- " vage the country, and in his cruel " treatment of the family of Hafez Rah- " mut. This is a ſubject on which I " cannot write to the Vizier; it might " widen the breach between him and the " Commander in Chief, and poſſibly in- " fluence the Nabob to ſome private re- " venge on the unhappy remains of " Hafez Rahmut's family; I deſire, there- " fore, that you will take an immediate " occaſion to remonſtrate to him againſt

" every act of cruelty, or wanton vio-
" lence: the country is his, and the
" people his ſubjects; they claim by that
" relation, his tendereſt regard, and un-
" remitted protection. The family of
" Hafez have never injured him, but
" have a claim to his protection in default
" of that of which he has deprived them.
" Tell him, that the Engliſh manners are
" abhorrent of every ſpecies of inhuma-
" nity and oppreſſion, and enjoin the
" gentleſt treatment of a vanquiſhed ene-
" my; require and intreat his obſervance
" of this principle towards the family of
" of Hafez; tell him my inſtructions to
" you generally, but urgingly enforce
" the ſame maxim; and that there is no
" part of his conduct will operate ſo pow-
" erfully in winning the hearts of the
" Engliſh, as inſtances of benevolence
" and feeling for others. If theſe argu-

" ments

" ments do not prevail, you may inform
" him directly, that you have my orders
" to inſiſt upon proper treatment of the
" family of Hafez Rahmut, ſince, in
" our alliance with him, the reputation
" of our national character is involved in
" every act which ſubjects his own to
" reproach: that I ſhall publickly excul-
" pate this Government from the impu-
" tation of aſſenting to ſuch a propoſal,
" and I ſhall reſerve it as an objection to
" any future engagements with him,
" when the preſent ſervice ſhall have
" been accompliſhed."

Who, after reading his letter, wrote with ſuch an eagerneſs to bring ſuccour to the oppreſſed family of Hafez Rahmut, can believe, that the author was either cruel or unjuſt? Through the whole, mixed with a regard for the character and

intereſts of the Company, breathes the moſt ardent deſire to afford relief to the oppreſſed. The manner of the letter is well worth obſerving, it is quite the language of a man very intent upon the purpoſe about which he wrote; and I muſt own, that with me the matter ſeems to warrant this concluſion, that the writer muſt have been a good man;—yet this is one of the caſes in which he is accuſed of oppreſſion and injuſtice.

LETTER

LETTER IV.

IT requires not any great knowledge of the ways of men to ſee that the Governor of a large country like India, under circumſtances ſuch as Mr. Haſtings was, muſt be directed in many caſes by his own private opinion, rather than by that of the Supreme Council, and much rather than by that of the Directors in Leadenhall-ſtreet. A Government ill eſtabliſhed over a conquered country, where the revolutions are ſuddenly brought about, does leaſt of all admit of inſtructions received from the moſt diſtant part of the world, even ſuppoſing the judgment of thoſe who directed it to be perfectly equal to the taſk.

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The coalitions and changes that take place in this eſtabliſhed and free country, are too rapid to admit of ſuch a direction as that; and we muſt all know that tho' a coward and a knave may ſhelter himſelf under the orders he has received, yet that honeſt and bold agent of a Company muſt in unforeſeen or in difficult caſes, act to the *beſt of his own judgment.*

In the empire of China, when a fire catches a houſe it may not be extinguiſhed without the orders of a Mandarin, and when pulling down a ſingle board might ſave a whole ſtreet from the flames, it muſt not be done without official leave given: this may be rule and order, it may be ſubordination, but is it common ſenſe? is it the way to extinguiſh the fire? There is a degree of abſurdity in the idea, that a Governor of India muſt not act without, or even ſometimes contrary

trary to inſtructions received from England, that makes it ſcarcely admit of a ſerious refutation, and it is by no means fair to expect that afterwards he is to be able to give a diſtinct reaſon for every thing he did. The more diſcerning and able a man he is, the leſs account will he be able to give, for two reaſons; firſt, he will have truſted to his own *judgment at the time*, and the more acute the judgment is, the more complicated will be the reaſons from which it acts; and ſecond, he will, from a conſciouſneſs of his own intentions and ability, not think of preparing for a defence; his mind will dwell upon ſucceeding in the affair, and he will truſt his character to the goodneſs of his cauſe. A ſign-poſt painter can tell the rules by which he works moſt exactly, both in dimenſions and in colouring, becauſe he is incapable of working at all but by ſome rule. Apelles moſt undoubtedly could

could *not* give the rule by which he laid on his tints, or by which he produced a ſymmetry that delighted and aſtoniſhed all mankind, for he moſt aſſuredly had no rule. And in general it is well known, that even in the works of the common mechanic (with a few exceptions) the beſt workmen pay the leaſt ſtrict regard to rule.

I am far from contending that Mr. Haſtings, or any man in any department, is to ſet the ſuperior powers at defiance; far from it indeed, but then I do not conſider every deviation from their orders as a defiance.

The India Company is a commercial body, and all their affairs, however great the ſcale may be, are for the purpoſe of getting money, nothing ſuperior to that,

and

and I believe I may therefore, without impropriety, compare their affairs with thoſe of people in a ſmaller ſcale, whoſe purpoſe is the ſame.

There are numbers of merchants in London who ſend out agents to travel the country and tranſact buſineſs. They have inſtructions from the principal before they ſet off, and write occaſionally from different places; they are anſwerable for what they do during their journey. It is underſtood by both parties, that the time and exertion of this agent are ſold to his employer as much as that of any clerk in his counting-houſe, and that he is to follow his orders in the ſame manner. This is the outline, but what alteration do circumſtances make? The clerk at home keeps ſtrict hours, does no buſineſs without the maſter's knowledge, and acts

according to the intended rule exactly, while the other agent unites the general rule with good ſenſe, at leaſt with his own judgment, and does as well as he can; he gives up ſome advantages to his cuſtomers, entertains them at his maſter's expence, and is entertained in return; he keeps ſuch hours as he finds beſt, and in ſhort, acts as he would do if he were the principal himſelf. This is univerſally practiſed by all mercantile people in this country, and the ſucceſs with which it is attended eſtabliſhes its propriety upon a firmer baſis than that of any man's opinion; yet this liberty, allowed by every man in trade to his agent, Mr. Burke, in a caſe where it is more neceſſary, if poſſible, denies to a Governor of India, and chuſes out particular caſes in which he accuſes Mr. Haſtings. Nothing can be more unjuſt, nor nothing ever was more

unjuſt

unjuſt, except when the Romans accuſed Scipio Africanus of reading Greek, if that can be called ſo bad. It would have been as well, perhaps, if the Roman General had let the ſtudy of that elegant language alone: but it would not have been ſo well if Mr. Haſting's had quarrelled with Sir Eyre Coote about a ſalary which he had very little chance ever to enjoy, particularly as Sir Eyre Coote merited it, and the refuſing it was an act of injuſtice to a very deſerving, and to a dying man*.

* Mr. Haſtings, among other things, is accuſed of paying a large annual ſum claimed by Sir Eyre Coote, but which the Directors forbid to be paid. Mr. Haſtings did not pay it, it was paid by a Nabob Vizier, and General Coote continued to receive it; he was at that time on a very important ſervice, and dying faſt. Mr. Haſtings did not interfere actively in the affair at all, but did not chuſe to quarrel with a General in time of war, about a ſalary which he could not poſſibly long enjoy.

I certainly do not mean to extend my defence of Mr. Haſtings ſo far as to ſay, that he *did not do ſome wrong things in India*; if I did, I ſhould be ſaying what I do not believe, nor need I be informed of any thing more, than that he is *a man*, to know that he muſt ſometimes have judged wrong, ſometimes had his mind biaſed by prejudice in favour of men, and ſometimes by anger againſt them. All this I think muſt have been the caſe, for he certainly *has failings in common with every human being, beſides his own peculiar faults**, for which Mr. Burke certainly does not conſider him as deſerving impeachment,

When we conſider the great object that Mr. Haſtings had before his eyes,

* See Mr. Fox's character of *himſelf* in his ſpeech on India affairs, 1ſt December, 1783, page 50.

we cannot wonder that ſome parts of his Government were neglected, and that ſome grievances might exiſt which he did not redreſs. We never yet ſaw any man whoſe abilities were omnipreſent, nay more, we never yet ſaw the man who could attend to great things and to ſmall equally well, and what is ſtill more yet, we never ſaw, and I may venture to ſay, we never ſhall ſee any caſe in which the good of the whole and of all the parts is capable of being always united. The farmer who blamed the Creator of all things for not ſending the weather that might render *his* ſoil the moſt fertile, beſides his inſolence in pretending to judge at all, was certainly not conſidering that the general good was the object, and not his in particular, for which if a Superior Being was anſwerable at all, he alone could be queſtioned.

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No man knows better than Mr. Burke the different effects of a Government compoſed of many people, or of Councils and the Government of one man. Each has its peculiar defects, and though the Government which is the moſt free in its principles is certainly the beſt; though it is better that people ſhould be governed by a number of men than by one; by a Parliament of their own chuſing than by a King, whoſe great grand father was choſen by their great grand fathers, merely, perhaps, for party, or from whim, yet though the one Government is decidedly better than the other, an union of the two, which we find take place at home here, is better than either, and this advantage ariſes from the abſolute neceſſity that there is for ſome one perſon having a right to act in particular caſes as he and his own friends may think proper,

without

without the formality and delay of Public Councils; this in ſome degree counteracts the ſlow motions of a Government compoſed of a number of councillors, and the advantages, if not the neceſſity of this, is ſo obvious to men, that the bold councils of the famous Lord Chatham were what procured him the eſteem of the Engliſh nation. The ſame character, which was that of a bold daring Stateſman, reſting his fame, his honour, and his head, merely upon the goodneſs of his intentions and of his meaſures; I ſay, that ſame character made up of great lines which procured him ſtatues, has procured Mr. Haſtings an *impeachment*. I again repeat it, and I will maintain, that there is a great ſimilarity of character, and that from the very parts in which they are alike, the one has obtained a ſtatue, and the other is threatened with a ———

I did

I did not begin this defence of what I deem an injured character, with a deſign to combat every ſeparate charge, Mr. Haſtings has done that himſelf in a very compleat manner; my intention at no time went any farther than to make an appeal to the good ſenſe and the juſtice of my countrymen, by ſhewing on what falſe ground his accuſers had gone, and how unfairly they had during the whole proceeded, and I have ſtated ſeveral of the charges which I ſhould conſider as a very clear proof of the want of candour with which he has been accuſed.

Perhaps I ſhould inſiſt more fully upon theſe unfair proceedings, and it may be ſaid that I promiſed in a former letter to meet every charge. I did ſo, but I only meant that if called upon, I was ready to expoſe the fallacy of the different charges,

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for I begun with the avowed purpoſe of ſpeaking to the caſe in a general and in a brief way, that reaſon might be made the arbiter, without that minute and particular attention which ſo few people can find leiſure or patience to give.

LETTER

LETTER V.

PERHAPS it demands an apology, that after appealing to the *juſtice* and to the *reaſon* of my countrymen, I ſhould venture to addreſs their *intereſt* upon the ſame ſubject. I muſt here declare, I do not believe that intereſt, and the love of money, or the love of ſway, are equal in the breaſt of an Engliſhman, to the love of equity; I think they are not, and I hope they never will be. I, however, muſt intereſt your attention to the ſubject in a political and an intereſted view of the matter, for while it is not determined to give up the wealth of Aſia for conſci-

ence ſake, I muſt conſider *that* as an object of no ſmall importance.

The friends of Mr. Haſtings have ſaid, that upon the iſſue of his cauſe depends our future affairs in India. That was a ſtrong aſſertion, and I own I do not believe it to be wholly right. I think that it is poſſible that even Mr. Haſtings meets with ill treatment, ſuch as he does *not* deſerve, yet there may be men found who will ſerve the ingrateful multitude who puniſhed him. I think, indeed, that miſchief will be heaped upon the devoted Indians that day that Mr. Haſtings is impeached. Men who prefer gold to honour, and who do not object to filling a poſt when diſgrace attends good actions, will certainly be from nature and from circumſtances compleatly venal.

They will probably behave ſo ill as either to procure a total alteration, or they will ruin the Company, ſo that I think there is ſtill one chance.

The ſtate in which the India Company now is, has become a very critical and a very intereſting one, and every day it becomes more and more ſo; it draws very faſt to ſome great point, further than which it never can proceed.

When the Engliſh Eaſt India Company was firſt incorporated, and for long after, it was not an object of much envy to the reſt of Europe; thoſe nations which watch over the motions of this kingdom, had naturally turned their attention and envy to the monopoly which we had obtained of the trade of the weſtern world; Britain, in itſelf invulnerable, was only to be

be wounded in this remote extremity, and to it did all Europe look, either with anger or ſuſpence. Our natural enemies determined to diſſolve a connection to which they vainly attributed the greatneſs of this country, and even our friends with-held their aſſiſtance. The event you all know; it was not poſſible to retain poſſeſſion of America, and to combat Europe at the ſame inſtant, and we had no occaſion to be aſtoniſhed at our want of ſucceſs, particularly as we had been at great pains to make the Americans our enemies before the war began. We thought a Britiſh Act of Parliament could do any thing, whereas, when imprudently made, it is the moſt uſeleſs piece of paper in the world.

After the child, as it was metaphorically called, was ſeparated from the parent

rent, it was expected that the former was to flouriſh, and the latter to decay; neither of the two have, however, happened. We are yet formidable, we are rich, we are enviable, and we are envied. The only poſſeſſion that we have left, that is worth while to cut each others throats about, is our territory in the Eaſt Indies. The nations of Europe have turned round from the Weſt to the Eaſt, and begin to perceive that there is ſome hope yet, and a meaſure which ſeems very wiſe in itſelf, may probably make them redouble their attention, either directly or indirectly; the other nations of Europe taſted the ſweets of our commerce to India, but now they ſhall taſte no more. Our India Company riſes, and theirs ſink apace; this truth is notorious to all the world, and it is abſolutely impoſſible that the nations that ſuffer will bear it long. The

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ſeat and the object of war will be tranſ-ferred from the uncultivated fields in America; to the fertile and the rich plains of Aſia, when the time comes that the enemies of Britain are ready for another attack.

There is in general little credit to be gained by any prediction, but that does not take away the neceſſity or propriety of looking as attentively as we can into our future affairs.

Paſt experience has ſhewn, that there are nations in Europe placed as if on purpoſe to keep the Britiſh empire within bounds, and to check our ſucceſs, and wherever it has been apprehended we were moſt vulnerable, there have we been wounded. The preſent ſituation of affairs is not ſuch as to give us any occaſion

to

to think that this ſyſtem is changed, and if it is not, we muſt expect the next war, like all the others, will be directed at the part in which it is not only the moſt eaſy to attack, but where alſo it is likely to hurt us the moſt. The ſettlements in queſtion in India are that very part.

When a poſſeſſion held by force happens to be large, and numerouſly inhabited, it becomes eaſy to attack, under the pretence of liberating it from ſlavery, and the difficulty of retaining it increaſes in the ſame proportion. Our poſſeſſions in India are ſufficiently large, numerous and diſaffected, to produce this effect in a very conſiderable degree. They are our richeſt poſſeſſions, therefore the moſt deſireable to take, and the moſt hurtful for us to loſe. The French with the aſſiſt-

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ance of their friends the Dutch, will be both able and willing to undertake this, and if they behave with common prudence, they may eaſily get the inhabitants on their ſide; to increaſe, if poſſible, the natural deſire of theſe nations to humble Britain, and to direct their views to India, the great extenſion of our Company at this very time, and the want of it in their own, do moſt certainly tend, ſo that we have reaſon to apprehend danger there.

Should we by puniſhing Mr. Haſtings in the manner Mr. Burke propoſes, upon a partial view of his actions, eſtabliſh the precedent of throwing diſgrace upon men who have acted to the beſt of their judgment, we certainly take away at once that energy and exertion which only live by applauſe and eſteem, and which are

ſo neceſſary in India. The men who ſerve them will quote the orders of the Directors for their actions, and under the ſhade of order and propriety will they ſee ruin precipitated. Honour will be out of the queſtion, diſgrace will henceforth be attached to the Government, and it will therefore of neceſſity (I ſay of neceſſity, for it is as natural and neceſſary as it is poſſible for any thing to be) become the object of men who prefer gain to reputation, and gold to a good name. How inferior that claſs of men is to thoſe who ſeek for fame and honour, every child knows. To be an executioner is reckoned the moſt diſgraceful office, but it is not the leaſt gainful. Yet there is a difficulty of finding men ſufficiently dead to the opinion of others to accept of this office, even among the moſt debaſed of mankind. In every rank in ſociety the *reſpectability*

is

is either a part of the *reward*, or the want of it a part of the thing for which men are paid. Many a reſpectable man ſtarves as a curate on twenty pounds a year, who would not for twenty thouſand become a bailiff's follower, or any profeſſion to which there is a degree of diſgrace attached. What but a regard for honour ſupports the ſoldier in his campaign upon a bare ſubſiſtance? The world cannot produce an inſtance, where there is any number of men retained in a *diſgraceful ſervice* at ſo low a rate. I fairly then conclude, that honour is a ſpecies of pay more efficacious than money, and that it is the aim of the good and the virtuous. That money alone attracts a very inferior and a very different ſet of men.

There are degrees and proportions in every thing. Mr. Haſtings aimed at

fame

ſame and at honours, and he got them; but ſhould it be found that they are wreſted from him, or turned to diſgrace, honour will no longer be ſought for in that ſtation, and another and a much inferior ſet of men will fill thoſe places which require probity, honour, and humanity.

Whether we conſider the unfitneſs of ſuch men to repel our enemies, to govern our ſubjects, or to manage our commercial affairs, we muſt look upon the change with ſome degree of concern, viewing it merely in a prudent light. We cannot certainly do what may lead to ſuch an important alteration without conſidering well what we are about, yet if we ſuffer ſuch an accuſation to be fabricated, as that againſt Mr. Haſtings, if we give ear to it, we muſt expect the change will take place; for ſuppoſing the thing granted,

granted, that men are to have every part of their conduct called in queſtion, and wherever they cannot well and clearly vindicate themſelves before a body of men *who do not underſtand the affair*, they are to be ranked with the vileſt of oppreſſors, no man can take the charge of affairs in India with any other expectation than that of encountering diſgrace.

So far as honour or diſgrace are uſed as rewards or puniſhments, they require a very different management, and one that is much more ſkilful than any other ſpecies of rewards or puiſhments; they are of all others capable of producing, under certain circumſtances, the moſt powerful effects. There are few characters, and thoſe few are bad, whom the love of fame, of glory, or the good opinion of men, does not overbalance the

love

love of gain*, and it will lead to the moſt extravagant actions; the love of money is a cold, prudent, beggarly and weak paſſion in compariſon, it is circumſpect, and leaves men on all great occaſions. Thoſe men who bow down to the god of riches never gain the laurels of the hero; and on the contrary, fear of ſhame deters men from acts of villainy more than fear of actual phyſical puniſhment. It is of great conſequence, therefore, to preſerve in all caſes the *ability* of uſing theſe two moſt powerful of all engines; they are however incapable of frequent uſe, as they become intirely ineffectual. The ſoldier who has been publickly diſgraced, ſometimes in-

* There are many people who ſeem however to be quite deſtitute of this paſſion for the eſteem of men. It is becauſe they have no hopes of acquiring it. Men are never miſers while they have no expactation of geting rich.

deed

deed exerts himſelf to regain his honour, but much oftener has it a contrary effect, and he becomes worſe inſtead of better. A repetition of diſgrace, by effectually ſhutting up the road to glory, opens wide the path of infamy, and leads to whatever is bad. The fear of incurring the firſt diſgrace is the great engine, and the oppoſite effect produced by too much uſe of the puniſhment, requires it to be adminiſtered with great judgment. We run a riſque by our treatment of Mr. Haſtings, of ruining the proſpects of all future Governors; every man who ſucceeds to that important ſtation after him, muſt want attachment to the ſervice, becauſe he may be impeached for doing what he thought beſt. He muſt conſider it as ſo very difficult a thing to eſcape cenſure, that he will lay his account with it, and then the miſeries of India will be compleat,

while

while our expulſion may be looked for as certain, from the nature of things, and deſireable for the ſake of putting a period to a ſyſtem which will be diſgraceful to human nature.

Had Mr. Haſtings known what was to have been his fate when he firſt entered into the important, the difficult, and the dangerous poſt of Governor in India, he might have ſecured the ſmiles of fortune, and defied the breath of ſlander. He might have implicitly obeyed the orders of the Directors, and he might have, by throwing the whole of the actions either upon them or upon the Council in India, become *a Governor without reſponſibility*; he might have loſt our poſſeſſions there indeed, but then he might have done it according to his directions, and to every charge that was made againſt him he might

might have given that anſwer. It would have prevented a poſſibility of impeachment, nor would it have been in the power of any ſingle Member of the Houſe of Commons, to threaten a man who had betrayed his country and his employers *methodically*. Future Governors, whoſe experience of the paſt has learnt them a leſſon of prudence, and of ſelfiſhneſs, may take this method; though I ſuppoſe, had Mr. Haſtings known the whole, he would either have governed as he did, or not at all. He probably prefers the ſatisfaction of having *his actions approved by Warren Haſtings* to any other whatever, and ſo far he is out of the reach of his moſt malignant enemy.

Without truſting altogether to reaſoning on this point, it is a fact, that when almoſt the whole world was divided into

Roman provinces, and while the Governors aimed at rank and honour by that poſt, they were remarkably juſt and good, but when through the faults and rapacity of a few, the honour of the whole begun to be ſuſpected, it ſoon ceaſed altogether to exiſt, and the provinces, once happy under noble patricians, who were examples of Roman virtue and diſtributers of Roman juſtice, then groaned under the tyranny, the taxes and other illegal extortions of the bankrupt and profligate.

This was the change actually produced by the ſubſtitution of *diſgrace, inſtead of honour*, and the bad turn being once given, human power was unequal to a means of preventing the increaſing depravity; it went on till that great empire, which had extended ſo far and wide, fell in pieces like a ragged garment through its own weakneſs.

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This is a great and ſtriking example, the truth of which no man can deny, and it happened merely from the nature of things. The Roman Emperors themſelves never encouraged oppreſſion in Governors, but generally wiſhed rather to puniſh it ſeverely; and in proportion as puniſhments increaſed, the oppreſſion increaſed in a double degree.

We ſhould conſider very well what we wiſh, what is the object in impeaching Mr. Haſtings, and whether it will anſwer the purpoſe which is intended; this is of more importance than any other thing, in the prudent and wiſe view of the queſtion.

There are two objects that may be poſſibly in view by this tranſaction: Firſt, the puniſhing a man who has not acted

properly, when conſidered merely as an act of juſtice. Second, the effect that puniſhment may have as an example to future Governors, in their treatment of the people of the country; their obedience to the Court of Directors, and their regard to the intereſts of the Company.

With regard to the firſt of theſe, the puniſhing a man who has acted improperly, a great deal has already been ſaid. We have ſeen that the accuſations have not been fairly brought againſt him. As the accuſer of an enemy, Mr. Burke was perhaps excuſable in only relating the worſt, and putting the moſt unfavourable of poſſible conſtructions on his actions, but as the inveſtigator of truth he was certainly wrong; I repeat it, certainly and decidedly wrong. When a man accuſes

cuſes another of a *diſtinct poſitive crime*, ſuch as murder or theft, where there is no opinion but a firm belief, he has only to ſubſtantiate his charge, and let the other party diſprove it. But when *from a number of circumſtances he is to enquire into a fact*, for the purpoſe of forming an opinion, it is only common juſtice to look at all the circumſtances. Mr. Burke gives at great length the things on which he founded his opinion, but there does not any thing appear which gives us reaſon to think that he examined to find out whether he might not be under a miſtake, by looking only at the parts that ſeemed to him *againſt* Mr. Haſtings. He gives always a decided opinion from the view of one ſide which he had taken. In the eye of the law, of juſtice, and of common ſenſe, in caſes that only admit of circumſtantial evi-

dence,

dence, every man who does not judge from all he knows, and who is not willing to enquire into both ſides of the queſtion, is a partial and unfair man.

Mr. Burke ſeems to have forgot a very material diſtinction that there is between a man who performs his duty improperly, and a man who commits an actual crime, in a caſe where he has no obligation at all to interfere. Men who murder or ſteal are of this latter ſpecies; they take away life and property with which they have poſitively no concern. Phyſicians, who happen to apply wrong remedies, and kill their patients, either through want of ſkill or through neglect; agents or confidential ſervants, who injure their maſters property by careleſſneſs or miſtake, are of the former claſs. There are probably more lives loſt by the want of ſkill of

phyſicians

phyſicians, or by their neglect, than by murderers; and there is certainly an hundred times more property or wealth, or what you pleaſe to call it, loſt by the neglect of ſervants, than by actual theft. The phyſical effects are equally bad, loſs of life and property in both caſes. Every one knows, however, the difference of criminality; they have no reſemblance either in nature or in extent. The aſſaſſin who gave the blow, and the phyſician who gave the poiſon, acted under different circumſtances: it was the phyſician's duty to do ſomething, and he did what he thought beſt, according to his capacity and attention to the ſubject; it was, on the contrary, the aſſaſſin's duty to have abſtained from what he did; the one ſuppoſed he was doing right, and the other knew he was doing wrong. It is fair to accuſe the aſſaſſin or the thief poſitively

poſitively, and let him clear himſelf; he can probably do it, if he is innocent, for he is to be judged from facts. Were the phyſician or agent to be called in queſtion for acting wrong in their ſeparate profeſſions, it would not be by an *accuſation* but an *enquiry*; their criminality could not conſiſt in the act, but the intention of the act, which could only be diſcovered from all the circuſtances well compared, both for and againſt. With regard to the aſſaſſin and thief, the *intention* is not the thing, it is the *act which ſhews intention* and admits of being clearly charged at once. Every body muſt perceive, that however blameable Mr. Haſtings may be, he ſtill is in the circumſtances of the phyſician or the agent. What he did was done in the *capacity of his office*. Mr. Burke has proceeded againſt him, however, as an aſſaſſin

aſſaſſin, having no buſineſs at all with India, but as entering and committing depredations in a wanton and voluntary manner. This alone makes the tranſaction the moſt unfair in its principle poſſible. I do not believe any man can produce an inſtance more unfair that ever took place in the way of accuſation. Conſider to what it leads, and then pronounce. Suppoſe all men entruſted with the health of others might be queſtioned, who but deſperadoes would accept the truſt. Murder is a high crime and miſdemeanor;——a phyſician is proved in a fever to have given opium, when a jury of medical men think antimony would have ſaved the life, and that the opium killed;—muſt we hang the phyſician?—We might in that caſe ſay with Macheath, "The world would be thined, ſuch numbers would ſwing upon Tyburn-tree.

No Man who valued his life would be a phyſician in that caſe, nor will any man who values his character govern in India in this. All law is at an end, if you proceed in matters of *opinion* as in matters of *fact*; yet Mr. Burke does, and Mr. Burke is a man of ſenſe, of honour and of virtue. Mr. Burke has never fixed his eye upon one extenuating circumſtance, but he has painted thoſe of a dark complexion in the blackeſt manner.

Nothing, in ſhort, can more clearly ſhew the intention than theſe charges do; they bear upon their face the deſire of blackening a man's character in every poſſible inſtance; there is not a ſingle ſentence from which we are warranted to draw the concluſion, that Mr. Burke meant to examine candidly, that he wiſhed to know whether there was any thing

thing that might in ſome degree clear a man accuſed of ſo many crimes. Had Mr. Burke in any inſtance put a good conſtruction on Mr. Haſtings' actions, had he in any caſe doubted that he meant well, had he in any caſe added a ſingle extenuating fact, by way of making people judge fairly, he might have ſome claim to candour, but as it is he has none. I repeat it, that in this caſe, he has no claim to one grain of candour; it is even to be queſtioned whether the partial ſtatements and unfair concluſions do not deſerve a harſher name than that of want of candour.

It may not now be improper, in a curſory manner, to view the whole of the proceedings againſt Mr. Haſtings. In the firſt place, the ſituation in which he ſtands, repreſented as *the oppreſſor of thirty millions of the moſt harmleſs people in*

Aſia; and Mr. Burke as the *avenger of the wrongs of an injured and a helpleſs multitude*, is very unfavourable to Mr. Haſtings. I ſhould be ſorry to ſee the day when this contraſt was not ſufficient to influence the minds of Engliſhmen, and I ſhould execrate myſelf were I capable of ſtanding a moment in defence of ſuch injuſtice.

We certainly, from the circumſtances, are all on Mr. Burke's ſide. It is the ſide on which I found myſelf at firſt; nor did I alter till I found that Mr. Burke had either proved nothing at all, or that he had proved, that the conſtitution of the India Company, which Mr. Haſtings ſerved, was the cauſe of every evil*. He had accuſed Mr. Haſtings of breaking treaties, after he

* It is ſurprizing this inconſiſtency did not occur to Mr. Burke himſelf, it is ſo very glaring and ſo abſurd.

had

had proved the India Company had never made a treaty that they had not broke, and that it was not the men who went to India that were at all to blame. If a pilot is ordered to ſea in a ſhip which is rotten and full of holes, is the ſinking of the ſhip to be laid to his charge?

Were I to ſtand up for the oppreſſors of India, there is no evil which I ſhould not deſerve to endure; I at firſt looked upon Mr. Haſtings as ſuch, and I curſed his name. I looked on Mr. Burke as their avenger, and I revered him. But the woes of the people of India are not the thing in queſtion. I am convinced that the greateſt injury we can do to them is by diſgracing Mr. Haſtings. I am convinced the moment that is done, there remains no object to be attained by governing India but money. Money balanced againſt diſgrace. But independent of the poor in-

habitants

habitants of India, Mr. Burke's charges aimed in a perſonal manner, in direct oppoſition to the opinion which he avowed on the 1ſt of December 1783, and therefore the reverence for the cauſe of India has nothing to do with this queſtion. Mr. Burke himſelf exculpated Mr. Haſtings when he accuſed the Company, and the very nature of the conſtitution of the Company.

With regard to individual juſtice, this proſecution is from *that* the fartheſt poſſible. Partial ſtatements and unfair concluſions are in all caſes improper. If a man is innocent, they are diabolical; if he is guilty, they are uſeleſs. The precedent that may be ſet by the puniſhment of Mr. Haſtings, if good, might be ſome excuſe for an unfair tranſaction, but even that is wanting; there cannot be any good derived either to England, to the Company,

pany, or to the inhabitants of Aſia: nor, in conſidering the whole, is there one good purpoſe that it is ever likely to ſerve; we can expect nothing from it, but that India will be worſe governed in future, that there will be more extortion, more cruelty, leſs faith with the Company, and leſs exertion in caſes of war and danger.

In ſhort, whatever is dear to us in India is at ſtake, and under the idea of juſtice and regard to the lives and properties of the natives of Aſia, we are going to give them up, by this one action, to the dominion of men who will have no object but that of riches, and who are dead to the opinions of men, and of conſequence to virtue.

Once more, my countrymen, let me intreat you to conſider the importance of this

this caſe, to uſe your reaſon and your diſcernment; you will then perceive that an individual is accuſed under the moſt deceitful idea poſſible: his accuſer has affected to eſpouſe the cauſe of virtue and of the oppreſſed; he has collected the cries of the Indians, which, he ſays, were given to the ſeas and the winds, and for the ſake of private vengeance, he has heaped them on an individual head, under the name of puniſhing the guilty; he has fabricated charges in a manner that does not accord with equity; he has contradicted his own principles, avowed in a national ſenate; and he has made uſe of every mode which his eloquence, his fancy, and his argument can furniſh, to make you believe that his cauſe is that of thirty millions of your fellow creatures. Could he advance a ſtronger claim to attention? Does not every human virtue

tue ſecond his requeſt? Ought not the man to be heard who acts in ſo good a cauſe, who pleads at once for juſtice and humanity? Yet, my countrymen, it is no ſuch thing, the very number of the charges are a proof of this; the manner in which he has gone to work is a proof of this; and the end that he propoſes is the very oppoſite of what he leads us to expect. There is much at ſtake, and our paſſions are attacked by involving the cauſe of one man with that of thirty millions; we muſt ſeparate them; they are indeed connected, but by a very different bond from that repreſented to us, for on the fate of Mr. Haſtings depends the future government, and the future happineſs of our poſſeſſions in India.

ALBANICUS.

FINIS.

tue second his request? Ought not the man to be heard who acts in so good a cause, who pleads at once for justice and humanity? Yet, my countrymen, it is no such thing, the very number of the charges are a proof of this; the manner in which he has gone to work is a proof of this; and the end that he proposes is the very opposite of what he leads us to expect. There is much [illegible] and our passions are attacked by involving the cause of one man with that of thirty millions; we must separate them; they are indeed connected, but by a very different bond from that represented to us, for on the fate of Mr. Hastings depends the future government, and the future happiness of our possessions in India.

ALBANICUS.

FINIS.